

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF TEXAS; and GREG ABBOTT, in his official capacity as Governor of the State of Texas,

Defendants.

Civil Action No. EP-21-cv-173-KC

**DECLARATION OF SISTER NORMA PIMENTEL, EXECUTIVE DIRECTOR
OF CATHOLIC CHARITIES OF THE RIO GRANDE VALLEY**

1. My name is Sister Norma Pimentel, M.J. I am over the age of 18 and have personal knowledge of the contents of this declaration, which are true and correct.
2. I am a religious sister of the Missionaries of Jesus and have served as the Executive Director of Catholic Charities of the Rio Grande Valley since 2004. I submit this Declaration in support of the *amicus* brief being filed on behalf of Catholic Charities of the Rio Grande Valley (“Catholic Charities”).
3. Catholic Charities is a ministry of the Roman Catholic Diocese of Brownsville. The current Bishop of the Diocese of Brownsville is the Most Rev. Daniel E. Flores.
4. Catholic Charities operates a Humanitarian Respite Center in McAllen, Texas, which provides basic essential services to migrants who have been recently processed and released by Border Patrol and entered the country. In my role as Executive

Director of Catholic Charities, I supervise the operation of the Humanitarian Respite Center.

5. In response to the COVID-19 pandemic, we have made sure to provide COVID-19 tests as soon as migrants arrive and before their admission to the Respite Center. Border Patrol does not test for COVID-19. To protect the local community, Catholic Charities in cooperation with city and county officials arrange for testing sites when migrants are dropped off. Only those who test negative are admitted to the Humanitarian Respite Center for services. The U.S. Border Patrol sends vehicles to drop migrants off at our Centers multiple times a day, starting at 7 in the morning until around midnight.

6. For those who test positive for COVID-19, we work to ensure they are separated from both our population and our neighbors in the broader community. We have worked with hotels and more recently sites provided by city and county officials to provide quarantine spaces to those testing positive for COVID-19. When necessary, for those who test positive, ground transportation is provided to quarantine locations.

7. At the Respite Center we provide an array of services, including giving migrants a place to briefly rest safely, offering warm meals, showers, and clean clothes, and attending to migrants' health needs. The Center also allows migrants a way to be out of the sun when temperatures are dangerously high. Most importantly, we treat every person we encounter with respect, recognizing their inherent human dignity. On average, we see and serve over a thousand migrants a day at the Humanitarian Respite Center.

8. As a Catholic ministry, this work of charity flows directly from our Gospel-inspired mission to restore human dignity to those denied it. The encyclicals of our Holy Father, Pope Francis, emphasize that migrants “possess the same intrinsic dignity as any person,” and the same “inalienable dignity of each human person, regardless of origin, race or religion.” Pope Francis, *Fratelli Tutti*, ¶ 39 (Oct. 3, 2020). The Catechism of the Catholic Church proclaims that our duty is to “to welcome the foreigner” in search of security. Catechism of the Catholic Church § 2241. Serving those in need, and especially those we serve through the Humanitarian Respite Center, is part of our sincere religious exercise as Catholics.

9. The vast majority of the migrants who use the Humanitarian Respite Center are families, especially mothers traveling with children. Single men and unaccompanied minors are not a part of the Center operations. Most of the women and children who arrive at the Humanitarian Respite Center have been through serious trauma and struggle, which can include assaults. We believe that by offering them respect and welcome, we can help them take the first step toward healing. As I have witnessed many times in my work at the Respite Center, the transformation can begin when they are received by someone who cares.

10. When a migrant is received at the Respite Center, she has a chance to take a shower, get clean clothing, food, and water, as well as resources for her children, such as baby bottles, formula, and diapers. Volunteer doctors and nurses assist the mothers who are pregnant or nursing, and we help provide over-the-counter medication where it will help with pains or illness. Volunteer attorneys meet with

the families. During this time, our staff makes contact with the migrants' family members if possible, and works to secure safe transport, for example by bus or airplane, to their ultimate destination, sometimes including hospitals or shelters.

11. The Governor's Executive Order, GA-37, prohibiting the ground transportation of migrants was issued on July 28, 2021. On the afternoon of July 28, a director of the Texas Department of Public Safety and another officer reached out indicating that he wanted to meet with me about the Governor's Order. Along with the Most Rev. Mario Alberto Avilés, Auxiliary Bishop of Brownville, I met with the director in person. The director told me that the Governor's Order would prohibit Catholic Charities from transporting migrants in vehicles of any kind to any location, that the Order was in effect immediately, and that he would inform us when enforcement would begin.

12. He further stated that once the Order went into effect he would put a patrol car by the entrance of the Respite Center to watch for and identify people when they leave, and stop any vehicle suspected of transporting migrants. He informed Bishop Avilés and me that if a driver did not follow an order to return with the migrants to the Humanitarian Respite Center, Department of Public Safety officers would impound the vehicle.

13. I remain deeply concerned that the Governor's Order prohibiting ground transportation will worsen the COVID-19 crisis and have a negative impact on the safety and health of those we serve and those in our surrounding community.

14. First, it would prevent us from being able to safely facilitate quarantine for those who test positive for COVID-19. Quarantine is necessary to protect those we serve and all our neighbors.

15. Second, the Order would prevent us from providing necessary transport for urgent healthcare needs, particularly those of pregnant and nursing mothers and children, who may require medical care at a hospital or in another clinical setting.

16. Third, it would prevent us from ensuring that migrants are safely transported to a known location while awaiting any further action by the federal government regarding their immigration status. It would endanger lives by increasing the opportunities for traffickers and others who are not committed to providing safe, non-coercive transportation to families in need of assistance.

17. Fourth, it would undermine the State of Texas's interest in following the law, since one of the services we provide at the center is the opportunity for migrants to speak with attorneys and learn more about their legal rights and the legal process.

18. Fifth, and relatedly, it would make it impossible for us to transport migrants to the McAllen Airport (nearly two miles from our Center), to reunify with families, or to shelters, as needed.

19. Sixth, and most importantly, preventing us from helping migrants leave the Humanitarian Respite Center for appropriate destinations means that we cannot admit new migrants once we have reached capacity. As a result, we would have to turn away mothers and babies who are seeking temporary shelter, food, and medical assistance.

20. If we cannot provide humanitarian aid, it is my understanding that these families would likely be left to their own devices on the street, without access to food, shelter and medical care.

21. In short, if left in place, the Executive Order will prevent our ministry from doing its work, in cooperation with the federal government's immigration enforcement authorities, of properly attending to the health and safety of migrants, particularly mothers and very young children, as well as protecting the health of our broader community.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 12, 2021.



Sister Norma Pimentel, M.J.
Executive Director
Catholic Charities of the
Rio Grande Valley